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Attorneys for Plaintiff Lori Barrett and the Class

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DONALD WORTMAN, WILLIAM  
ADAMS, MARGARET GARCIA,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

vs.

AIR NEW ZEALAND, LTD., et al.

Defendants.

) Case No. CV 07-5634 CRB

)  
) ADMINISTRATIVE MOTION TO  
) CONSIDER WHETHER CASES  
) SHOULD BE RELATED (Civil Local  
) Rules 3-12 & 7-11)

\_\_\_\_\_  
This Document Relates to:

*Barrett vs. Qantas Airways Limited, et. al.*  
Case No. CV 08-1140 EMC  
\_\_\_\_\_

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that plaintiff Lori Barrett ("Plaintiff"), hereby moves this Court  
 3 pursuant to Civil Local Rules 3-12(b) and 7-11 of the United States District Court of the  
 4 Northern District of California to consider whether the action entitled, *Barrett v. Qantas Airways*  
 5 *Limited, et. al.*, Case No. CV 08-1140 EMC ("*Barrett*"), filed December 19, 2007, should be  
 6 related to *Wortman, et al. v. Air New Zealand, Ltd., et al.*, Case No. CV 07-5634 CRB  
 7 ("*Wortman*"), filed November 6, 2007 in the Northern District of California and assigned to the  
 8 Honorable Charles R. Breyer.

9 **I. Related Cases**

10 Pursuant to Local Rule 3-12(b), the *Barrett* action should be related to the *Wortman*  
 11 action as the earliest-filed case.

12 On January 23, 2008, Judge Breyer entered an order relating the *Wortman* action and (1)  
 13 *Abrams v. Air New Zealand, et al.*, Case No. CV 08-0339 CRB ("*Abrams*"), filed in the Northern  
 14 District of California on January 17, 2008; (2) and on February 12, 2008 an order relating  
 15 *Kaufman v. Air New Zealand, et al.*, Case No. CV 07-6417 CRB ("*Kaufman*"), filed in the  
 16 Northern District of California on December 19, 2007; (3) and on February 19, 2008 an order  
 17 relating *Evans v. Air New Zealand, et al.*, Case No. CV 07-5821 CRB ("*Evans*"), filed in the  
 18 Northern District of California on November 15, 2007; (4) and on February 25, 2008 an order  
 19 relating *Foy v. Air New Zealand, et al.*, Case No. CV 07-6219 CRB ("*Foy*"), filed in the  
 20 Northern District of California on December 7, 2007.

21 Like the *Wortman*, *Abrams*, *Kaufman*, *Evans* and *Foy* actions, the *Barrett* action alleges  
 22 that defendants engaged in a conspiracy to fix the prices for passenger air transportation service  
 23 containing transpacific flight segments.

24 **II. Relationship of the Actions**

25 The Administrative Motion is made on the grounds that the *Barrett* action and the  
 26 *Wortman*, *Abrams*, *Kaufman*, *Evans* and *Foy* actions, all involve substantially similar questions  
 27 of fact and law and concern the same wrongful acts and occurrences.

1 Specifically, all cases involve allegations that many of the same defendants participated  
2 in a conspiracy to fix, raise or maintain the price for passenger air transportation services  
3 containing transpacific flight segments in violation of Section 1 of the Sherman Act, 15 U.S.C.  
4 §1. Thus, the *Wortman, Abrams, Kaufman, Evans, Foy* and *Barrett* cases “concern substantially  
5 the same parties” as well as the same “property, transaction or event.” L.R. 3-12(a)(1). Given  
6 the closely related nature of these cases, each involving substantially similar questions of law  
7 and fact, the assignment of these actions to the same judge would serve the interests of judicial  
8 economy and avoid the potential for conflicting rulings.

9 Pursuant to Local Rule 3-12(b)(2), it appears likely that there will be an unduly  
10 burdensome duplication of labor and expense or the possibility of conflicting results if these  
11 cases are conducted before different Judges. Therefore, it will be more efficient for all cases to  
12 proceed before the same Judge so that these analyses and determinations are made by one Court.  
13 This will avoid duplication of labor and expenses and the possibility of conflicting results.

1 **III. Conclusion**

2 The *Wortman*, *Abrams*, *Kaufman*, *Evans*, *Foy* and *Barrett* actions satisfy the criteria of  
3 Rule 3-12, and as such, the relation of these actions is proper. Therefore, Plaintiff respectfully  
4 requests that the *Barrett* action be related to the *Wortman* action and assigned to the Honorable  
5 Charles R. Breyer.

6  
7 DATED: March 10, 2008

MILBERG WEISS LLP  
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8  
9  
10 /s/ JEFF S. WESTERMAN  
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DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

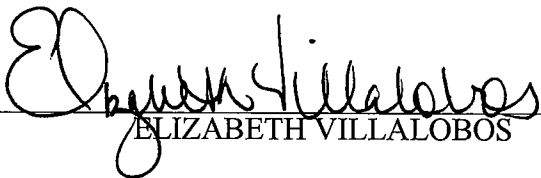
1. That declarant is and was, at all times herein mentioned, employed in the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los Angeles, California 90071.

2. That on March 10, 2008, declarant served the ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED (CIVIL LOCAL RULES 3-12 & 7-11) by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

4. That on the above date, declarant served via e-mail to: scac@law.stanford.edu.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of March, 2008, at Los Angeles, California.

  
ELIZABETH VILLALOBOS

**SERVICE LIST**

*Wortman et al. v. Air New Zealand et al*  
**USDC, Northern Dist. No. CV 07-5634 CRB**

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ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED  
CASE NO. CV 07-5634 CRB

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